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UNITED STATES OF AMERICA
DEPARTMENT OF TRANSPORTATION
OFFICE OF THE SECRETARY
WASHINGTON, D.C.

Issued by the Department of Transportation on January 2, 2002

NOTICE OF ACTION TAKEN -- DOCKET OST-96-1372- / 5

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Applicant: AEROLINHAS BRASILEIRAS, S.A. (ABSA)

Date Filed: December 14, 2001

Relief requested: Exemption from 49 USC section 41301 to permit the applicant to conduct charter foreign air transportation of property and mail between a point or points in Brazil and a point or points in the United States, and other charters, in accordance with the Department's regulations (14 CFR Part 212).

Applicant representative(s): Celestino Pena, 305-381-6252

Responsive pleadings: None.

DISPOSITION

Action: Approved.

Action date: January 2, 2002

Effective dates of authority granted: January 2, 2002, through January 2, 2003.

Basis for approval (bilateral agreement/reciprocity): United States-Brazil Air Transport Agreement

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated: Standard exemption conditions.

Special conditions/Remarks: ABSA may not conduct any charters to/from the United States without prior Department approval, in the form of a Statement of Authorization. The authority granted ABSA here is subject to the terms, limitations and conditions of the U.S.-Brazil Agreement, in addition to our standard exemption conditions.

Action taken by: Paul L. Gretch, Director, Office of International Aviation

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) our action was consistent with Department policy; (2) the applicant was qualified to perform its proposed operations; (3) grant of the authority was consistent with the public interest; and (4) grant of the authority would not constitute a major regulatory action under the Energy Policy and Conservation Act of 1975. To the extent not granted/deferred/dismissed, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

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http://dms.dot.gov/reports/reports_aviation.asp*